

Vondy
2 Lot Minor Subdivision

Tim Naylor, Hannah Dutrow
AGPROfessionals
Kraft Family Dairies, LLC
Amended Special Use

Planning Commission Hearing
September 12, 2022
7:00 P.M.

Vondy
Minor Subdivision

VONDY MINOR SUBDIVISION

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PC

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PC Minutes to be approved



**MORGAN COUNTY
PLANNING AND BUILDING DEPARTMENT
MORGAN COUNTY PLANNING COMMISSION
FILE SUMMARY**

September 12, 2022 Hearing date

APPLICANT and LANDOWNER: Gary and Deb Vondy – Dola Smith

This application is for a 2-lot Minor Subdivision of 15.09 acres located in the E½SE¼ of Section 17, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Also known as 15089 County Road 26 and 15115 County Road 26, Brush, Colorado 80723.

There are currently two single-family residences on each proposed Lot. The property is zoned agricultural.

The applicants are requesting approval of the minor subdivision to create two new lots. Lot 1 – 12.98 acres and Lot 2 – 2.11 acres.

Section 8-195 of the Morgan County Subdivision Regulations requires review of the listed criteria and compliance to be determined prior to approval of the proposed subdivision.

In reviewing an application for a minor subdivision the Planning Commission and the Board of County Commissioners shall apply the following criteria as listed from Section 8-195 of the Morgan County Subdivision Regulations:

- (A) Whether the application documents are complete and present a clear picture of how the subdivision is to be laid out including all infrastructure, easements, and access.
The application documents are complete:
- 1) Northeast Colorado Health Department has issued a letter regarding existing onsite wastewater treatment systems on Lots 1 and 2.
 - 2) Colorado Division of Water Resources has supplied available information for a domestic well permit. The well is located on Lot1 and services both lots. A draft well-sharing and easement agreement between the parties to be recorded at closing.
 - 3) Both lots access from County Road 26. Road and Bridge has no objection to the continued use of the existing driveways that provide access.
 - 4) Property is located in the Brush Fire District.
 - 5) Soil map was provided by the Natural Resources Conservation Service.

- 6) The applicant notified the mineral rights owners.
 - 7) Animal units will be per zoning requirements approved by the Morgan County Extension Service.
 - 8) Right to Farm notices were signed by both property owners and provided with the application.
 - 9) Lots 1 and 2 are developed as single family residences.
- (B) Whether the proposed subdivision is consistent with the Morgan County Comprehensive Plan. The subdivision is located in the south central planning area.
Chapter 2.II.C.1., County Wide
Goal: To encourage development where proposed development is compatible with existing land uses and access to public infrastructure is established-current residences have been there since 1973 and 1974.
- (C) Whether the proposed subdivision is compatible with surrounding land uses and is adequately buffered as needed.
This subdivision is located in the Agricultural Production District and buffering is not required, uses are compatible.

The following conditions are recommended if the Minor Subdivision is approved:

- (1) The shared well agreement to be executed and recorded prior to the plat being recorded.

All appropriate notice requirements have been completed.

Nicole Hay
Morgan County Planning Administrator

ADDITIONAL INFORMATION

Any additional information received
since PC packet was sent to members

ORIGINAL SUBMITTAL

Original Application



MORGAN COUNTY PLANNING,
ZONING & BUILDING DEPT.
231 Ensign, P.O. Box 596
Fort Morgan, Colorado 80701
PHONE (970)542-3526
FAX (970)542-3509
E-mail: pcherry@co.morgan.co.us
permits_licensing@co.morgan.co.us

PERMIT # MS2022 - 0006

Date Received 7/6/22 Received By JS
Fee: ☐ Administrative Review \$300 ☒ Full Review \$ 575.00
Ck/CC #: 4783 Paid 7/18/22
Recording Fee \$ _____ Ck/CC #: _____ Paid _____
PC Date: _____/_____/_____ BOCC Date: _____/_____/_____
100 Year Floodplain? Y/N Taxes Current? Y/N

MINOR SUBDIVISION APPLICATION

Landowner MUST Sign Application and Right to Farm Policy

APPLICANT

Name Gary + Deb Vondy
Address 15115 CR 26, Brush
CO 80723
Phone (970) 768 3464
Email garvon48@gmail.com

LANDOWNER

Name Dola J. Smith
Address 15089 CR 26, Brush
CO 80723
Phone () _____
Email _____

SURVEYOR

Name John Thompson / Forty North LLC Email fortynorthllc@gmail.com
Address 53575 CR NN, Wray CO 80758 Phone (970) 466-0552

Minimum Lot Size Requirements:

- Minimum lot size for parcels containing both a water well and septic system is 2.5 (two and one half) acres
- Minimum lot size for parcels without a water well and served by a public or private water system and septic system is 1 (one) acre

PROPERTY LEGAL DESCRIPTION AND TECHNICAL INFORMATION

Address of Property to be divided (or general location if not yet addressed): **Attach extra pages if needed*

see above mailing addresses

Parcel #: 1231 - 170 - 00 - 012

Zone District: A

S: 17 T: 3N R: 56W 1/2 SE 1/4 SE 1/4

Total acreage in parcel: 15

Number of lots to be created: 2

Is property located within 1320' (1/4) of a livestock confinement facility? Y/N

Distance and Direction to Nearest Community: 4.5 miles south + west of Brush

PRESENT use of property residential

PROPOSED use of property residential

SEE REQUIRED ATTACHMENT LIST ON BACK OF THIS PAGE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED OR PROCESSED

MINOR SUBDIVISION APPLICATION REQUIRED ATTACHMENT LIST

Additional information may be required by staff

Application Fee:

☒ Non-Refundable Application Fee due with application as determined by staff:

-Made payable to Morgan County Planning & Zoning

☐ \$300 Administrative Review

OR

☒ \$ 575 Full Review

Up to 10.90 acres..... \$550.00

11 - 20.9 acres \$575.00

21 - 30.9 acres \$600.00

31 - 40.9 acres \$625.00

41 - 60.0 acres \$650.00

60.0 acres+ \$650.00 Plus \$15.00 per 40 acres or fraction therein of excess of 60 acres

For example: 99 acres property would be 99-60=39 acres in excess so: \$650+\$15=\$665 fee

**Fees may be subject to change per section 2-160 of Morgan County Zoning Regulations*

Project Narrative:

☒ Narrative to include:

☒ Project Description

☒ Purpose of request, including minor subdivision criteria

☒ Additional information to show project's intent

☒ How project will relate to or impact existing adjacent uses

☒ All off-site impacts and proposed mitigation measures

☒ Development or implementation schedule of project

☒ General topography of land and potential hazards

N/A ☐ If property is in the floodplain, give Zone, panel number, and panel date
<https://msc.fema.gov/portal/home>

☒ Is proposed subdivision located within a Fire District? *Brush*

Site Plans/Maps:

☒ Plat map (survey) per requirements set forth in the Morgan County Subdivision Regulations Section 6-170 -- **must show the original exempted parcel and the parcel being created through this amendment** (SUBMIT ELECTRONICALLY)

☒ Improvement location certificate, including setbacks of existing structures, wells and septic system (SUBMIT ELECTRONICALLY)

Draft well agreement

☒ Include any **easements** required for the project-widths and other pertinent information.
May be required to supply copies of easement agreements

Proof of Ownership: ☒ Current title insurance commitment (within last 6 months)

☒ Names, addresses and phone numbers for all property owners

Utilities/Access:

☒ Water-must prove quality, quantity, & reliability of well, or Quality Water Contract (Quality Water Contracts or current Permits from Colorado Department of Natural Resources) <https://dwr.state.co.us/Tools/WellPermits>

☒ Existing or proposed public or private water system - Contract for Service

☒ Existing Well- Provide copy of driller's well completion report and proof of

- adjudication and water quality report
- Proposed Well- Provide documented proof of quality and quantity and of potable water
- Water Supply Information Summary as required by State of Colorado, Office of the State Engineer (*attached*)

☒ **Septic System**

- Existing Septic System - Evaluation of adequacy in terms of today's regulations from local Health Department
- Private System - "Will Serve Letter"
- Proposed Septic System - "Will Serve Letter"
- Public System - "Will Serve Letter"

☒ **Electric** (Electric bill or letter of commitment from electricity provider)

☒ **Driveway Permit** from CDOT or Morgan County Road and Bridge (If required by staff)

☐ **Ditch Company-** Proof of contact if there is a ditch on or next to your property

Technical:

☒ **Impact statement** from Morgan County Extension for determination of the number of animal units this land can sustain

☒ **Soil Map** from Morgan Conservation District showing suitability for sanitary facilities, and building site development for site specific soil

☒ **Revegetation Plan**

☒ **Notification to all mineral rights owners and/or lessees**

Provide names and addresses as well as a copy of a letter sent **30 days prior** to submission or if unable to locate, submit a list of owners/lessees showing 3 sources of attempts to locate.

☒ **Declaration of restrictive covenants**

☒ **Homeowners Association agreement and by-laws**

☒ **Right to Farm Policy** signed by Landowner (attached)

☒ **Recording Fees:** *All recording fees will be collected at the conclusion of all hearings Made payable to Morgan County Clerk & Recorder*

☒ **Plat map recording fee**

\$13.00 first page

\$10.00 per page thereafter

___ # additional pages x 10 = \$___ + \$13 = \$___ Total Recording Cost

☒ **Covenants recording fee**

\$13.00 first page

\$ 5.00 per page thereafter

*Title to any or all of the Minor Subdivision **CANNOT** be transferred until all required documents have been recorded in the Morgan County Clerk and Records office.

☒ Additional Information required by staff: well share agreement.

☒ 11 # Paper Application Sets ☒ Digital Copy of Complete Application
One sided only please

LANDOWNER AND APPLICANT STATEMENTS

Property taxes must be current prior to processing application.

I hereby certify that to the best of my knowledge, the information contained within this application package is true and correct.

Application must be signed by applicant and landowner as it appears in title insurance.

<u>Amy J. Vandy</u>	<u>7-1-2022</u>	<u>Dola J. Smith</u>	<u>6-30-2022</u>
Applicant Signature	Date	Landowner Signature	Date
<u>Dola J. Vandy</u>	<u>7-1-2022</u>		
Applicant Signature	Date	Landowner Signature	Date

APPLICANT NARRATIVE

Project Description

Purpose of Request

Additional Information to Demonstrate Intent

Impact/Relation to Adjacent Uses

RAYMOND M. LAWS, P.C.
ATTORNEY AT LAW

811 Main Street
Fort Morgan, CO 80701

July 5, 2022

Nicole Hay, Director
Morgan County Planning & Zoning
231 Ensign Street
Fort Morgan, CO 80701

Re: Smith / Vondy Minor Subdivision Project Narrative

Dear Ms. Hay,

My office represents Gary and Deb Vondy ("Gary" and "Deb"), who along with Gary's mother, Dola J. Smith ("Ms. Smith"), are seeking approval of a minor subdivision pursuant to Chapter 8 of the Morgan County Subdivision Regulations ("Subdivision Regulations"). Since 1973 Ms. Smith has resided on her property at 15089 CR 26, Brush, CO 80723, which consists of approximately fifteen acres ("Smith Property").

In 1974, Gary and Deb placed a mobile home on the Smith Property. The mobile home has a mailing address of 15115 CR 26, Brush, CO 80723. The Smith Property was never subdivided. For estate planning and succession purposes, Ms. Smith now desires to gift Gary and Deb's historic 2.11 acre lot so that they may peaceably enjoy ownership of the land they have resided upon for nearly fifty years.

We believe that this application meets all criteria established by §§ 8-130 through 8-195 of the Subdivision Regulations and is ripe for review and approval by the Planning Administrator pursuant to § 8-197. In support of this application you will find the following:

- A preliminary minor subdivision plat prepared by John Thompson of Forty North, LLC. Mr. Thompson in conformity with § 6-170 of the Subdivision Regulations;
- A title insurance commitment endorsed within the last six months;
- A will-serve letter from the Northeast Colorado Department of Health regarding the OWTS systems in place on both lots;
- A copy of available information for domestic well permit number 64719 on file with the Colorado Division of Water Resources. Said well is located on the proposed Lot 1 and services both lots;
- Executed Form No GWS-76, Water Supply Information Summary;
- A draft well-sharing and easement agreement between the parties to be recorded at the time of closing;

- REA electric bills for both residences (to be supplied);
- Soil Maps from the Morgan County NRCS;
- Impact Statement from the Morgan County Extension Office;
- Copy of notification letters sent by certified to the last-known address of mineral estate owners pursuant to C.R.S. § 24-65.5-103. Said mineral estate owners were identified based upon the exceptions to title contained in the commitment. A subsequent title search in the records of the Clerk & Recorder of Morgan County shows that the mineral ownership has not changed since the initial reservations were made. The mineral interest holders are believed to be:
 - o Joe. T. & Esther Bowman
General Delivery
Brush, CO 80723
 - o W.E. Spillman and Edna L. Spillman
324 Edison Street
Brush, CO 80723
- Executed Right to Farm Policy Notice.

Please let me know if I might be of further assistance as your office processes this application. We are of course happy to supplement the application to meet any requirements imposed or clarifications requested by Planning and Zoning.

Yours Very Truly,

/s/Raymond M. Laws

Raymond M. Laws

SITE PLAN/MAPS

Site Plan

Map

Plat Map

PROOF OF OWNERSHIP

Current Title Insurance Commitment
(within last 6 months)

Any deeds or other additional ownership
documentation

NORTHERN COLORADO TITLE SERVICES CO., INC.

130 W. KIOWA AVE., FORT MORGAN, COLORADO 80701

Phone No. 970-867-0233 Fax No. 970-867-7750

DATE: June 28, 2022

ORDER #: NCT23657

PROPERTY ADDRESS: 15089 COUNTY ROAD 26, BRUSH, COLORADO, 80723

OWNER/PURCHASER: DOLA J. SMITH
TO BE DETERMINED

PLEASE DELIVER TO THE FOLLOWING CUSTOMERS:

____ To:

ATTN:

Fax#:

✓
____ To: RAYMOND M. LAWS, P.C.
raylaws@rmlawsfirm.com

ATTN: RAY

Fax#:

____ To:

ATTN:

Fax#:

____ To:

ATTN:

Fax#:

____ To:

ATTN:

Fax#:

ATTACHED PLEASE FIND THE FOLLOWING ITEM(S) IN CONNECTION WITH THE ABOVE CAPTIONED ORDER. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE ATTACHED DOCUMENTATION, PLEASE CONTACT LINDA, SHARON, LISA OR SHERYL. FOR CLOSING ASSISTANCE, PLEASE CONTACT LINDA OR LISA. WE APPRECIATE YOUR BUSINESS VERY MUCH AND LOOK FORWARD TO SERVING YOU IN THIS TRANSACTION.

E-MAIL ADDRESS FOR CLOSING DOCUMENTS: CLOSING@NCTS.COM

HAVE A WONDERFUL DAY!!!

✓
____ COMMITMENT
____ AMT DUE IS ON SCHEDULE A (INVOICE)

____ OWNERS TITLE POLICY

____ PROPERTY REPORT
____ -AMT DUE IS ON PROPERTY REPORT (INVOICE)

____ MORTGAGEES TITLE POLICY

____ MORTGAGE/FORECLOSURE GUARANTY

____ DOCUMENTS

____ SURVEY/ILC

____ OTHER / INVOICE

NORTHERN COLORADO TITLE
130 WEST KIOWA AVENUE
FORT MORGAN, CO 80701
PHONE: (970) 867-0233 FAX: (970) 867-7750

INVOICE / STATEMENT

CUSTOMER:

RAYMOND M. LAWS PC

ORDER #: NCT 23657

DATE: June 28, 2022


ATTN: RAY

FAX#

SERVICES/PROPERTY LOCATION	AMOUNT
RE: DOLA SMITH 15089 COUNTY ROAD 26 BRUSH, CO 80723	
TBD TITLE COMMITMENT	\$200.00
PAID 11/23/21	-\$200.00
TBD UPDATE	\$100.00
TOTAL AMOUNT DUE	\$100.00

PLEASE REMIT UPON RECEIPT.

THANK YOU! WE APPRECIATE YOUR BUSINESS!

 First American Title™	ALTA Commitment for Title Insurance ISSUED BY First American Title Insurance Company
Commitment	

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

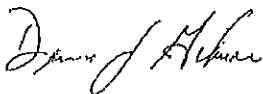
THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

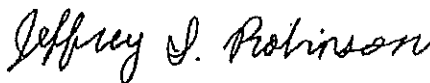
Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, First American Title Insurance Company, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company



Dennis J. Gilmore, President



Jeffrey S. Robinson, Secretary

If this jacket was created electronically, it constitutes an original document

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy, referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION


Arbitration provision intentionally removed.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions.

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	First American Title™	Title Insurance Commitment
Schedule A		ISSUED BY First American Title Insurance Company

ALTA® Universal ID: 0044474

Commitment No: NCT23657-REVISION 1

Effective Date: June 23, 2022 at 8:00 a.m.

1. Policy or Policies to be issued:

OWNERS:	AMOUNT	PREMIUM
[X] ALTA® 2006 Owner's Policy (6-17-06)	STO BE DETERMINED	\$200.00

Proposed Insured: TO BE DETERMINED

LOAN:

[X] ALTA® 2006 Loan Policy (6-17-06)

Other Charges:

PAID 11/23/21-THANK YOU
UPDATE

\$-200.00
\$100.00

TOTAL DUE: \$ 100.00

NOTE: A Minimum Fee of \$115.00 will be charged if file is cancelled.

2. On the effective date hereof, the estate described herein to be insured is **fee simple**, and is vested in:

DOLA J. SMITH

3. The land referred to in the Commitment is described below or in Schedule C:

The South 660 feet of the East 1320 feet of the SE1/4 of Section 17, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado, EXCEPT a tract of land described as follows: Commencing at the SE corner of Section 17; thence in a Northerly direction along the East line of Section 17, for a distance of 399 feet; thence in a Westerly direction parallel to the South line of Section 17 for a distance of 540 feet; thence in a Southerly direction to the South line of Section 17 for a distance of 399 feet; thence in an Easterly direction along the South line of Section 17 for a distance of 540 feet to the point of beginning, as conveyed in Book 760 at page 40.


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and commonly known as (for informational purposes only): **15089 COUNTY ROAD 26, BRUSH, COLORADO, 80723**

By:


Authorized Countersignature
(This Schedule A valid only when Schedule B is attached)

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 First American Title™	Title Insurance Commitment
Schedule BI	ISSUED BY First American Title Insurance Company


**SCHEDULE B - SECTION I
REQUIREMENTS**

Commitment No: **NCT23657-REVISION 1**

The Following are requirements to be complied with; otherwise to be shown as exceptions in the policy:

- A. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured, and for any estate or interest necessary to create the estate or interest to be insured described in this Commitment.
- B. Payment of all taxes and/or assessments levied against the subject premises which are due and payable.
- C. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- D. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records, to wit:
 - 1. Proper Deed from **DOLA J. SMITH** to **TO BE DETERMINED**, conveying the land described herein.
 - 2. Dollar amount of Policy coverage must be provided to the Company.
 - 3. The Company reserves the right to assert additional requirements or exceptions regarding the Grantee(s) when they are designated.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B - Section II and a Schedule C (if applicable) with matching Commitment Numbers.

 First American Title™	Title Insurance Commitment
Schedule BII	ISSUED BY First American Title Insurance Company

SCHEDULE B-SECTION II EXCEPTIONS

Commitment No: **NCT23657-REVISION 1**

Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company. The policy will not insure against loss or damage by reason of the following:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be ascertained by persons in possession of the Land.
3. Easements, or claims of easements, not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments which are a lien or due and payable; or which are not shown as existing liens by the public records; and any tax, special assessments, or charges or liens imposed for water or sewer service, or any other special taxing district, and any unredeemed tax sales.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water; (d) Minerals of whatsoever kind, subsurface and surface substances, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records or listed in Schedule B.

ADDITIONAL EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

8. Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions or as provided by law, as contained in Colorado State Patent recorded MAY 18, 1891 in Book 32 at page 19.
9. Subject to County Road 26, as it currently exists and is in use.
10. **FORT MORGAN IRRIGATION COMPANY** and rights of way therefor, as evidenced by Map and Sworn Statement recorded JULY 26, 1882 in File No. 23.

Commitment Schedule B-II

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11. An undivided 1/2 interest in all oil, gas and other mineral rights, as reserved by W.E. SPILLMAN and EDNA L. SPILLMAN in the instrument to JOE BOWMAN and ESTHER BOWMAN recorded MAY 9, 1956 in Book 571 at Page 370, and any and all assignments thereof or interests therein.

12. All interest in oil, gas and other mineral rights as reserved by JOE BOWMAN and ESTHER BOWMAN in DEED to UNITED BROADCASTING COMPANY recorded NOVEMBER 7, 1963 in Book 680 at Page 387, and any and all assignments thereof or interests therein.

13. Right of way for a ditch presently existing along the West edge of subject property as evidence in Deed from JOE BOWMAN and ESTHER BOWMAN to UNITED BROADCASTING COMPANY recorded NOVEMBER 7, 1963 in Book 680 at page 387.

14. Right of way and rights incidental thereto for County Roads 30 feet on either side of Section and Township lines as established by the Board of County Commissioners of Morgan County, Colorado, in instrument recorded May 6, 1907 in Book 62 at page 109.

15. NOTE: The following notices pursuant to CRS 9-1.5 103 concerning underground facilities have been filed with the Clerk and Recorder. These statements are general and do not necessarily give notice of underground facilities within the subject property: (A) MOUNTAIN BELL TELEPHONE COMPANY RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 502; (B) PUBLIC SERVICE COMPANY OF COLORADO RECORDED OCTOBER 2, 1981 IN BOOK 821 AT PAGE 514; AND (C) MORGAN COUNTY RURAL ELECTRIC ASSOCIATION RECORDED JANUARY 22, 1982 IN BOOK 825 AT PAGE 656.

Valid as a Commitment for an ALTA Policy only if attached to a countersigned Commitment for Title Insurance, a Schedule A, a Schedule B-Section 1 and a Schedule C (if applicable) with matching Numbers.

SCHEDULE B-SECTION 2
CONTINUED

Pursuant to C.R.S. 30-10-406(3)(a) all documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one-half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section.

NOTE: If this transaction includes a sale of the property and the price exceeds \$100,000.00, the seller must comply with the disclosure/withholding provisions of C.R.S. 39-22-604.5 (Non-residential withholding).

NOTE: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed." Provided that Title entity conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Pursuant to C.R.S. 10-11-122, the company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary.

The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

NOTE: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments containing a mineral severance instrument exception, or exceptions, in Schedule B, Section 2.

- A. That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is a substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- B. That such mineral estate may include the right to enter and use the property without the surface owner's permission.

NOTE: Pursuant to Colorado Division of Insurance Regulations 8-1-1, Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- A. The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- B. No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- C. The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- D. The Company must receive payment of the appropriate premium.
- E. If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of the Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium; fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

Commitment Schedule B-II

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No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

NOTE: Pursuant to C.R.S. 38-35-125(2) no person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawal as a matter of right.

NOTE: C.R.S. 39-14-102 requires that a real property transfer declaration accompany any conveyance document presented for recordation in the State of Colorado. Said declaration shall be completed and signed by either the grantor or grantee.

NOTE: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado division of insurance within the department of regulatory agencies.

NOTE: Pursuant to Colorado Insurance Regulation 8-1-3, this is notification of the availability of Title Closing Protection Letters written by First American Title Insurance Company.

Nothing herein contained will be deemed to obligate the company to provide any of the coverages referred to herein unless the above conditions are fully satisfied.

Privacy Notice

Effective: October 1, 2019

Notice Last Updated: January 1, 2019

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties. For more information about our privacy practices, please visit <https://www.firstam.com/privacy-policy/index.html>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect both **personal** and **non-personal** information about and from you. **Personal information** is non-public information that can be used to directly or indirectly identify or contact you. **Non-personal information** is any other type of information.

How Do We Collect Your Information? We collect your **personal** and **non-personal** information: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your personal information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. We may use your **non-personal information** for any purpose.

How Do We Share Your Personal Information? We do not sell your **personal information** to nonaffiliated third parties. We will only share your **personal information**, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. If you have any questions about how First American shares your **personal information**, you may contact us at dataprivacy@firstam.com or toll free at 1-866-718-0097.

How Do We Secure Your Personal Information? The security of your **personal information** is important to us. That is why we take commercially reasonable steps to make sure your **personal information** is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your **personal information**.

How Long Do We Keep Your Personal Information? We keep your **personal information** for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your **personal information**. In accordance with applicable law, your controls and choices. You can learn more about your choices, and exercise these controls and choices, by sending an email to dataprivacy@firstam.com or toll free at 1-866-718-0097.

International Jurisdictions: Our Products are hosted and offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your **personal information** to us in the US, and you consent to that transfer and use of your **personal information** in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.

For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure of your personal information; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-7180097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call tollfree at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-7180097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the personal information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Right to Opt-Out. We do not sell your personal information to third parties, and do not plan to do so in the future.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Collection Notice. The following is a list of the categories of personal information we may have collected about California residents in the twelve months preceding the date this Privacy Notice was last updated, including the business or commercial purpose for said collection, the categories of sources from which we may have collected the personal information, and the categories of third parties with whom we may have shared the personal information:

Categories of Personal Information Collected	The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver's license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.
Categories of Sources	Categories of sources from which we've collected personal information include, but may not be limited to: the consumer directly; public records; governmental entities; non-affiliated third parties; social media networks; affiliated third parties

Business Purpose for Collection	The business purposes for which we've collected personal information include, but may not be limited to: completing a transaction for our Products; verifying eligibility for employment; facilitating employment; performing services on behalf of affiliated and non-affiliated third parties; debugging to identify and repair errors that impair existing intended functionality on our Websites, Applications, or Products; protecting against malicious, deceptive, fraudulent, or illegal activity
Categories of Third Parties Shared	The categories of third parties with whom we've shared personal information include, but may not be limited to: advertising networks; internet service providers; data analytics providers; service providers; government entities; operating systems and platforms; social media networks; non-affiliated third parties; affiliated third parties

Categories of Personal Information We Have Sold In The Past Year. We have not sold any personal information of California residents to any third party in the twelve months preceding the date this Privacy Notice was last updated.

Categories of Personal Information Disclosed For A Business Purpose In The Past Year. The following is a list of the categories of **personal information** of California residents we may have disclosed for a business purpose in the 12 months preceding the date this Privacy Notice was last updated: The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver's license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.

PROOF OF UTILITIES & ACCESS

Water

Sewer

Ditch Company

CDOT or Road & Bridge

Any other utilities or access
documentation

**Water Use, Ownership and Well
Sharing Agreement*

THIS FORM MUST BE
SUBMITTED PRIOR TO
THE EXPIRATION OF THE
PERMIT. TYPE OR
PRINT IN BLACK INK.

COLORADO DIVISION OF WATER RESOURCES

101 Columbine Bldg., 1845 Sherman St.
Denver, Colorado 80203

RECEIVED

OCT 18 73

WATER RESOURCES
STATE ENGINEER
CDD

X STATEMENT OF BENEFICIAL USE OF GROUND WATER AMENDMENT OF EXISTING RECORD

PERMIT NUMBER 64719

STATE OF COLORADO

COUNTY OF Morgan

} SS.

THE AFFIANT(S) Kenneth Vondy

whose address is Rt. # 1, Box 230, Brush, Colo. 80723

being duly sworn upon oath, deposes and says that he (they) is (are) the owner(s) of the well described hereon; the well is located in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 17, Township 3 N, Range 56 W, 6th P.M. at distances of 200 feet from the South section line and 1100 feet from the East section line; the total depth of the well is 100 feet; water from this well was first applied to a beneficial use for the purpose(s) described herein on the 18th day of May, 1973;

the maximum sustained pumping rate of the well is 15 gallons per minute, the pumping rate claimed hereby is 15 gallons per minute; the average annual amount of water to be diverted is 1 acre-feet; for which claim is hereby made for Domestic purpose(s); the legal description of the land on which the water

from this well is to be used is SE-~~17~~-Se-Sec.17-T3N-R56W-Morgan Co.

which totals _____ acres and which is illustrated on the map on the reverse side of this form; that this well was completed in compliance with the permit approved therefor; this statement of beneficial use of ground water is filed in compliance with law; he (they) has (have) read the statements made hereon; knows the content thereof; and that the same are true of his (their) knowledge.

Signature(s) X Kenneth M Vondy

Subscribed and sworn to before me on this 17th day of

October, 19 73.

My Commission expires: Jan. 3, 1976

(Seal)

Clara L. Trip
Notary Public

ACCEPTED FOR FILING IN THE OFFICE OF THE STATE ENGINEER OF

COLORADO ON THIS _____ DAY OF _____, 19 _____.

STATE ENGINEER

WHITE COPY FOR DIVISION OF WATER RESOURCES
PINK COPY FOR WELL OWNER

FOR OFFICE USE ONLY

Prior. Date _____, _____, 19 _____

Well Use 1

_____ $\frac{1}{4}$, _____ $\frac{1}{4}$, _____ $\frac{1}{4}$, Sec. _____

T. _____, R. _____, _____ P.M.

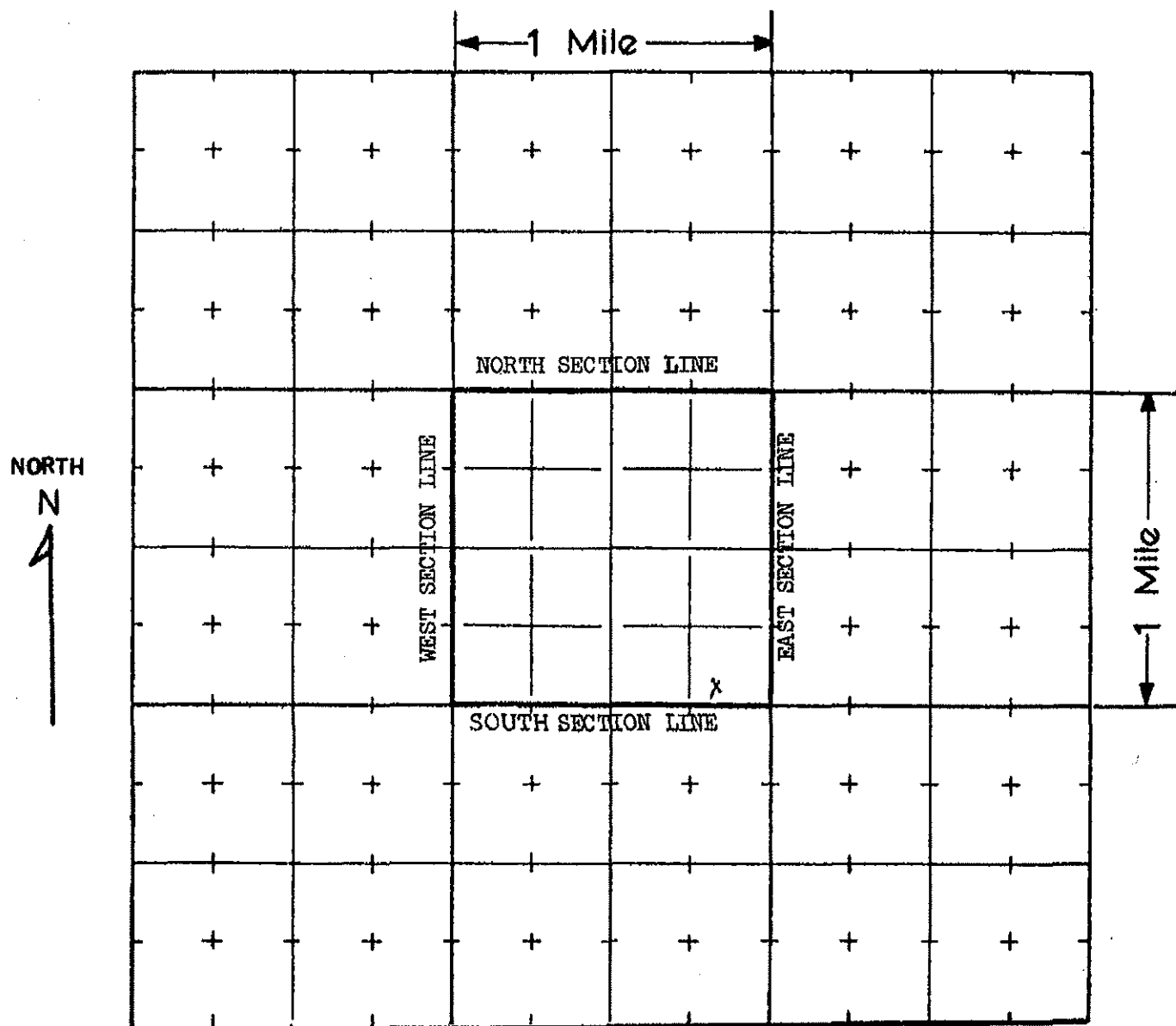
Yield _____ W.D. 1-1

Co. 44

Index _____

THE LOCATION OF THE WELL MUST BE SHOWN AND THE AREA ON WHICH THE WATER IS USED MUST BE SHADED OR CROSS-HATCHED ON THE DIAGRAM BELOW.

This diagram represents nine (9) sections. Use the **CENTER SQUARE** (one section) to indicate the location of the well, if possible.



THE SCALE OF THE DIAGRAM IS TWO INCHES EQUALS ONE-MILE

Meter Serial No. _____ ☐ Flow Meter ☐ Electric Meter ☐ Fuel Meter

Owner of land on which
water is being used _____

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep.

1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm).

1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.

1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

100 gpm pumped continuously for one year produces 160 acre-feet.

COLORADO DIVISION OF WATER RESOURCES

101 Columbine Bldg., 1845 Sherman St.
Denver, Colorado 80203THIS FORM MUST BE SUBMITTED
WITHIN 60 DAYS OF COMPLETION
OF THE WORK DESCRIBED HERE-
ON. TYPE OR PRINT IN BLACK
INK.

WELL COMPLETION AND PUMP INSTALLATION REPORT

PERMIT NUMBER 64719

RECEIVED

JUN 27 '73

WATER RESOURCES
STATE ENGINEER
COLO.WELL OWNER Kenneth VondySE 17 1/4 of the SE 17 1/4 of Sec.ADDRESS Rt. # 1, Box 230, Brush, Colo. 80723T. 3 N. R. 56 W. 6th P.M.DATE COMPLETED March 20, 19 73

HOLE DIAMETER

12 in. from 0 to 100 ft. in. from to ft. in. from to ft.

WELL LOG

From	To	Type and Color of Material	Water Loc.
0	5	Top	21'
5	70	sand, fine sand	
70	85	fine gravel, water sand, fine sand, a little clay	
85	88	clay	
88	99	fine sand, clay	
99	100	clay, thin rocks	
TOTAL DEPTH <u>100'</u>			

Use additional pages necessary to complete log.

CASING RECORD: Plain Casing

Size 5" & kind Plastic from + 1 to 80 ft.Size & kind from to ft.Size & kind from to ft.

Perforated Casing

Size 5" & kind Plastic from 80 to 100 ft.Size & kind from to ft.Size & kind from to ft.

GROUTING RECORD

Material CementIntervals 0-10Placement Method Spill TubeGRAVEL PACK: Size Interval

TEST DATA

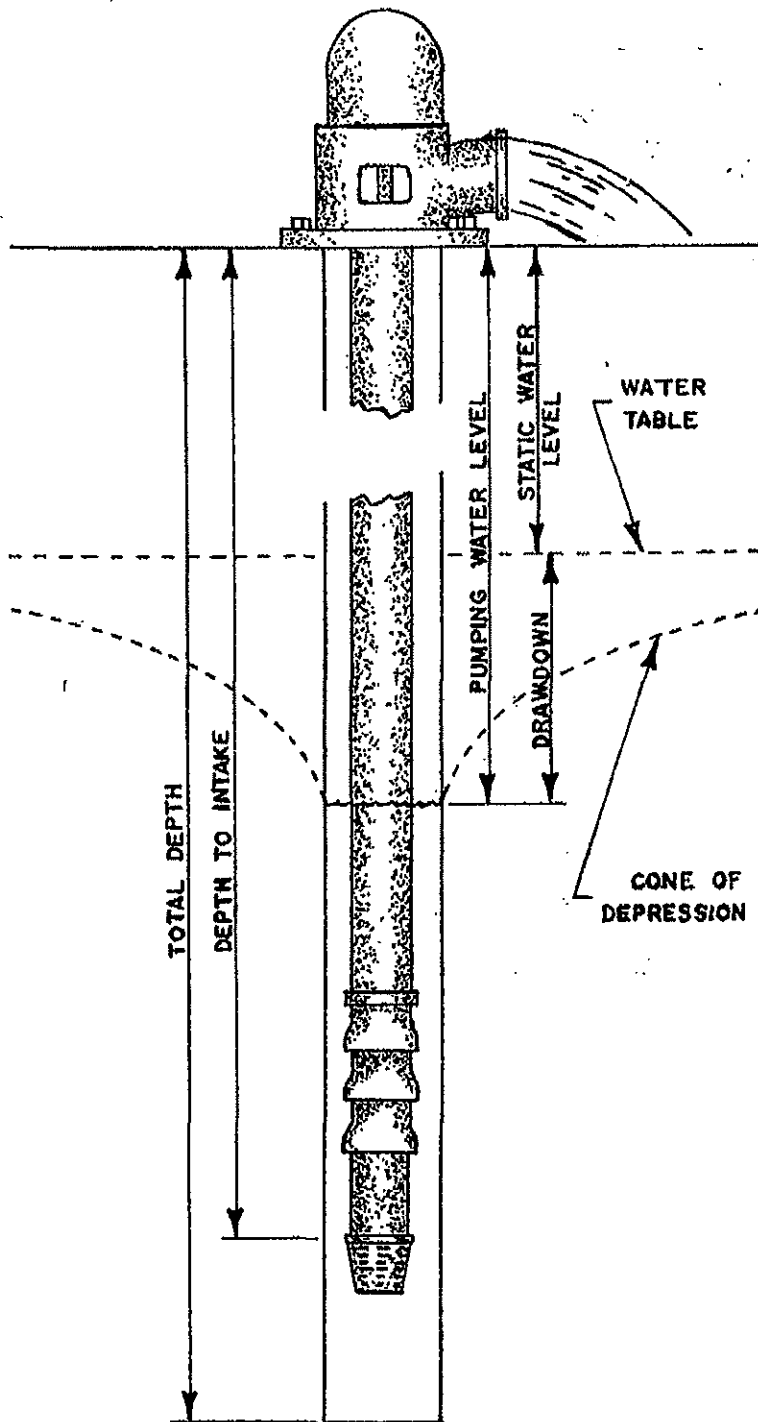
Date Tested March 20, 19 73Static Water Level Prior to Test 21 ft.Type of Test Pump BailedLength of Test 1 1/2 hrs.Sustained Yield 15 gpmFinal Pumping Water Level 22'

PUMP INSTALLATION REPORT

Make Dempster
 Type Submersible
 Powered by Electric HP 3/4
 Pump Serial No. DH-75 S/2
 Motor Serial No. _____
 Date Installed 5-17-73
 Pump Intake Depth 56'
 Remarks _____

WELL TEST DATA WITH PERMANENT PUMP

Date Tested _____
 Static Water Level Prior to Test _____
 Length of Test _____ Hours
 Sustained yield (Metered) _____ GPM
 Pumping Water Level _____
 Remarks _____



CONTRACTORS STATEMENT

The undersigned, being duly sworn upon oath, deposes and says that he is the contractor of the well or pump installation described hereon; that he has read the statement made hereon; knows the content thereof, and that the same is true of his own knowledge.

Signature D. Robert Hermans III License No. 764

State of Colorado, County of Morgan SS

Subscribed and sworn to before me this 25th day of June, 1973.

My Commission expires: August 31, 1976.

Notary Public Gerald P. Purns

COLORADO DIVISION OF WATER RESOURCES
101 Columbine Bldg., 1845 Sherman St., Denver, Colorado 80203

PERMIT APPLICATION FORM

Application must be complete where applicable. Type or print in **BLACK INK**. No overstrikes or erasures unless initialed.

(☒) A PERMIT TO USE GROUND WATER
(☒) A PERMIT TO CONSTRUCT A WELL
FOR: (☒) A PERMIT TO INSTALL A PUMP

() REPLACEMENT FOR NO. _____

(☒) OTHER New Well

(1) APPLICANT - mailing address

NAME Kenneth Vondy
STREET Rt. # 1, Box 230
CITY Brush, Colo. 80723
(State) (Zip)
TELEPHONE NO. 842-4869

FOR OFFICE USE ONLY: DO NOT WRITE IN THIS COLUMN

Receipt No. 37389 /

Basin _____ Dist. _____

CONDITIONS OF APPROVAL

This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.

SOLID CASING SET TO 80 FEET AND CEMENTED SO THAT WATER IN THE SURFACE SANDS AND GRAVELS ARE EFFECTIVELY SEALED FROM THE PRODUCING ZONE.

SEP 7 '72

WATER RESOURCES
STATE ENGINEER
COLO.

(2) LOCATION OF PROPOSED WELL

County Morgan
SE 1/4 of the SE 1/4, Section 17
Twp. 3 N, Rng. 56 W, 6th P.M.

(3) WATER USE AND WELL DATAProposed maximum pumping rate (gpm) 15Average annual amount of ground water to be appropriated (acre-feet): 1Number of acres to be irrigated: noneProposed total depth (feet): 100

Aquifer ground water is to be obtained from:
Alluvial

Owner's well designation #1**GROUND WATER TO BE USED FOR:**

() HOUSEHOLD USE ONLY - no irrigation (0)
(☒) DOMESTIC (1) () INDUSTRIAL (5)
() LIVESTOCK (2) () IRRIGATION (6)
() COMMERCIAL (4) () MUNICIPAL (8)
(☒) OTHER (9) Lawn & Garden

(4) DRILLER

Name Canfield Drilling Co.
Street 111 West St.
City Ft. Morgan, Colo. 80701
(State) (Zip)
Telephone No. 867-2943 Lic. No. 7

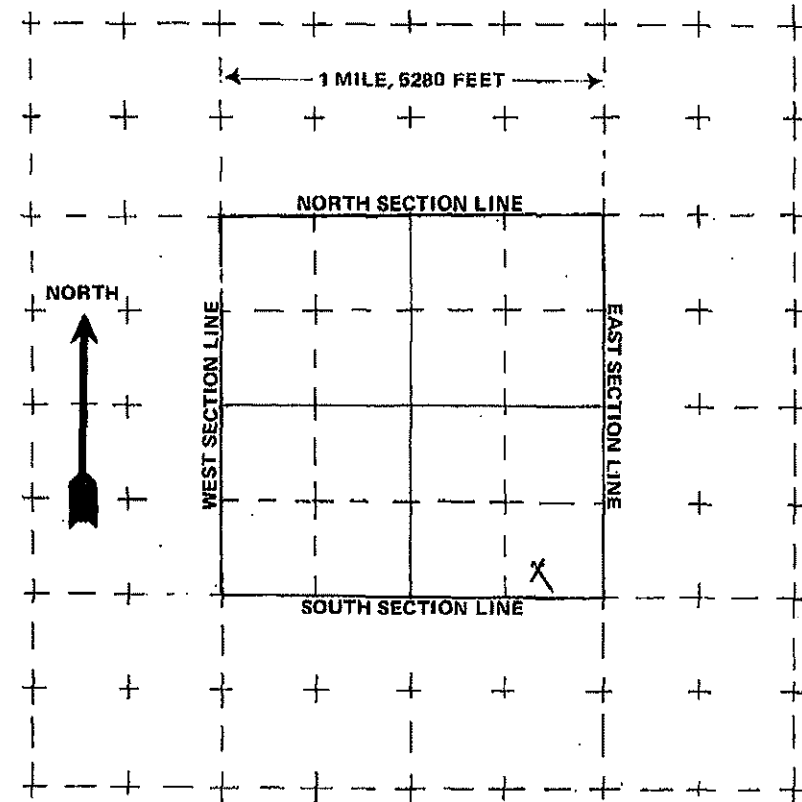
APPLICATION APPROVEDPERMIT NUMBER 64719DATE ISSUED SEP 26 1972EXPIRATION DATE SEP 26 1974

[Signature]
(STATE ENGINEER)

BY [Signature]

I.D. _____ COUNTY _____

(5) **THE LOCATION OF THE PROPOSED WELL** and the area on which the water will be used must be indicated on the diagram below. Use the CENTER SECTION (1 section, 640 acres) for the well location.



The scale of the diagram is 2 inches = 1 mile
Each small square represents 40 acres.

WATER EQUIVALENTS TABLE (Rounded Figures)

An acre-foot covers 1 acre of land 1 foot deep
1 cubic foot per second (cfs) . . . 449 gallons per minute (gpm)
A family of 5 will require approximately 1 acre-foot of water per year.
1 acre-foot . . . 43,560 cubic feet . . . 325,900 gallons.
1,000 gpm pumped continuously for one day produces 4.42 acre-feet.

(6) **THE WELL MUST BE LOCATED BELOW** by distances from section lines.

200 ft. from South sec. line
(north or south?)

1000 ft. from East sec. line
(east or west)

LOT _____ BLOCK _____ FILING # _____

SUBDIVISION _____

(7) **TRACT ON WHICH WELL WILL BE LOCATED**

No. of acres 27 . Will this be
the only well on this tract? Yes

(8) **PROPOSED CASING PROGRAM**

Plain Casing

5 in. from 0 ft. to 80 ft.

_____ in. from _____ ft. to _____ ft.

Perforated casing

5 in. from 80 ft. to 100 ft.

_____ in. from _____ ft. to _____ ft.

(9) **FOR REPLACEMENT WELLS** give distance and direction from old well and plans for plugging it:

N.A.

(10) **LAND ON WHICH GROUND WATER WILL BE USED:**

Owner(s): _____ No. of acres: _____

Legal description: _____

(11) **DETAILED DESCRIPTION** of the use of ground water:

(12) **OTHER WATER RIGHTS** used on this land, including wells.

Type or right	Used for (purpose)	Description of land on which used
<u>None</u>		

(13) **THE APPLICANT(S) STATE(S) THAT THE INFORMATION SET FORTH HEREON IS TRUE TO THE BEST OF HIS KNOWLEDGE.**

Kenneth M. Donly
SIGNATURE OF APPLICANT(S)

FORM NO GWS-76 02/2005	WATER SUPPLY INFORMATION SUMMARY STATE OF COLORADO, OFFICE OF THE STATE ENGINEER 1313 Sherman St., Room 818, Denver, CO 80203 Phone - Info (303) 866-3587 Main (303) 866-3581 Fax (303) 866-3589 http://www.water.state.co.us																										
Section 30-28-133(d), C.R.S. requires that the applicant submit to the County, "Adequate evidence that a water supply that is sufficient in terms of quantity, quality, and dependability will be available to ensure an adequate supply of water."																											
1 NAME OF DEVELOPMENT AS PROPOSED: <u>Vandy Minor Subdivision</u>																											
2 LAND USE ACTION: <u>Minor Subdivision</u>																											
3 NAME OF EXISTING PARCEL AS RECORDED: SUBDIVISION: <u>N/A</u> FILING (UNIT) BLOCK LOT																											
4 TOTAL ACREAGE: <u>15</u> 5. NUMBER OF LOTS PROPOSED <u>2</u> PLAT MAP ENCLOSED? <input checked="" type="checkbox"/> YES or <input type="checkbox"/> NO																											
6 PARCEL HISTORY - Please attach copies of deeds, plats, or other evidence or documentation. A Was parcel recorded with county prior to June 1, 1972? <input type="checkbox"/> YES or <input checked="" type="checkbox"/> NO B Has the parcel ever been part of a division of land action since June 1, 1972? <input type="checkbox"/> YES or <input checked="" type="checkbox"/> NO If yes, describe the previous action:																											
7 LOCATION OF PARCEL - Include a map delineating the project area and tie to a section corner <u>SE</u> 1/4 of the <u>SE</u> 1/4, Section <u>17</u> , Township <u>3N</u> <input checked="" type="checkbox"/> N or <input type="checkbox"/> S, Range <u>56</u> <input type="checkbox"/> E or <input checked="" type="checkbox"/> W Principal Meridian: <input checked="" type="checkbox"/> Sixth <input type="checkbox"/> New Mexico <input type="checkbox"/> Uta <input type="checkbox"/> Costilla Optional GPS Location: GPS Unit must use the following settings: Format must be UTM, Units must be meters, Datum must be NAD83, Unit must be set to true N, <input type="checkbox"/> Zone 12 or <input type="checkbox"/> Zone 13 Easting: _____ Northing: _____																											
8 PLAT - Location of all wells on property must be plotted and permit numbers provided Surveyor's Plat <input checked="" type="checkbox"/> YES or <input type="checkbox"/> NO If not, scaled hand drawn sketch: <input type="checkbox"/> YES or <input type="checkbox"/> NO																											
9. ESTIMATED WATER REQUIREMENTS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">USE</th> <th colspan="2">WATER REQUIREMENTS</th> </tr> <tr> <th></th> <th>Gallons per Day</th> <th>Acre-Feet per Year</th> </tr> </thead> <tbody> <tr> <td>HOUSEHOLD USE # <u>2</u> of units</td> <td><u>892</u></td> <td><u>2</u></td> </tr> <tr> <td>COMMERCIAL USE # _____ of S F</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>IRRIGATION # _____ of acres</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>STOCK WATERING # _____ of head</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>OTHER: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>TOTAL</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>		USE	WATER REQUIREMENTS			Gallons per Day	Acre-Feet per Year	HOUSEHOLD USE # <u>2</u> of units	<u>892</u>	<u>2</u>	COMMERCIAL USE # _____ of S F	_____	_____	IRRIGATION # _____ of acres	_____	_____	STOCK WATERING # _____ of head	_____	_____	OTHER: _____	_____	_____	TOTAL	_____	_____	10 WATER SUPPLY SOURCE <input checked="" type="checkbox"/> EXISTING WELL <input type="checkbox"/> DEVELOPED SPRING WELL PERMIT NUMBERS <u>04719</u> <input type="checkbox"/> NEW WELLS - PROPOSED AQUIFERS - (CHECK ONE) <input type="checkbox"/> ALLUVIAL <input type="checkbox"/> UPPER ARAPAHOE <input type="checkbox"/> UPPER DAWSON <input type="checkbox"/> LOWER ARAPAHOE <input type="checkbox"/> LOWER DAWSON <input type="checkbox"/> LARAMIE FOX HILLS <input type="checkbox"/> DENVER <input type="checkbox"/> DAKOTA <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> MUNICIPAL <input type="checkbox"/> ASSOCIATION <input type="checkbox"/> COMPANY <input type="checkbox"/> DISTRICT NAME _____ LETTER OF COMMITMENT FOR SERVICE <input type="checkbox"/> YES or <input type="checkbox"/> NO WATER COURT DECREE CASE NUMBERS: _____	
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OTHER: _____	_____	_____																									
TOTAL	_____	_____																									
11 WAS AN ENGINEER'S WATER SUPPLY REPORT DEVELOPED? <input type="checkbox"/> YES or <input checked="" type="checkbox"/> NO IF YES, PLEASE FORWARD WITH THIS FORM (This may be required before our review is completed.)																											
12 TYPE OF SEWAGE DISPOSAL SYSTEM <input checked="" type="checkbox"/> SEPTIC TANK/LEACH FIELD <input type="checkbox"/> CENTRAL SYSTEM <input type="checkbox"/> LAGOON DISTRICT NAME: _____ <input type="checkbox"/> ENGINEERED SYSTEM (Attach a copy of engineering design) <input type="checkbox"/> VAULT LOCATION SEWAGE HAULED TO: _____ <input type="checkbox"/> OTHER: _____																											

WATER USE, OWNERSHIP AND WELL SHARING AGREEMENT

THIS WATER USE, OWNERSHIP, AND WELL SHARING AGREEMENT, is made and entered into this ____ day of August, 2022, by and between DOLA J. SMITH (hereinafter, "Smith") and GARY L. AND DEBRA L. VONDY (hereinafter, "Vondy").

WITNESSETH:

THAT Smith owns that certain property located in Morgan County, Colorado, described as follows:

Lot 1, Vondy Minor Subdivision in the East Half of the Southeast Quarter (E1/2SE1/4) of Section 17, T3N, R56W, 6th P.M., Morgan County, Colorado.

Also known as 15089 CR 26, Brush, CO 80723

(hereinafter, "Lot 1"); and

THAT Vondy owns that certain property located in Morgan County, Colorado, described as follows:

Lot 2, Vondy Minor Subdivision in the East Half of the Southeast Quarter (E1/2SE1/4) of Section 17, T3N, R56W, 6th P.M., Morgan County, Colorado.

Also known as 15115 CR 26, Brush, CO 80723

(hereinafter, "Lot 2"); and

THAT Smith conveyed Lot 2 to Vondy after receiving approval for a minor subdivision from Morgan County. The Vondy Minor Subdivision Plat is recorded at reception number _____ of the records of the Clerk & Recorder of Morgan County, Colorado (the "Subdivision Plat"); and

THAT Lot 1 contains a certain domestic well permit number 64719 used for the benefit of both Lot 1 and Lot 2 (the "Well"). The location of the Well is designated on the Subdivision Plat.

NOW THEREFORE, for and in consideration of the mutual promises contained herein, the parties agree as follows:

1. **Well Ownership, Maintenance, and Use.** The Well and associated water system facilities (e.g. pump, fittings at the well head, pump house, foot valves and any water line pipes or pipelines jointly used) shall be owned one-half by Vondy, their successors and assigns and one-half by Smith and her successors and assigns. The expense of maintaining, repairing, and replacing the Well shall be borne equally by both parties. The electric bill for the Well, if on a single meter, shall be split equally by the parties. Any individual water lines and meter shall belong exclusively to and be the sole responsibility of the owner of the property served by said line or meter.
2. **Smith Easement Grant.** Smith hereby grants to Vondy an easement to maintain, operate, repair, and replace the Well and the individual underground water line that services Lot 2. Said easement shall consist of a 10 foot radius around the Well and a strip of land 10 feet on each side of the line as it currently runs underneath Lot 1. Said easement includes the right of ingress and egress over and across Lot 1 for purposes of operating, maintaining, repairing, and replacing said underground water line and Well. This easement shall run appurtenant to Lot 2. Neither Vondy nor any future holder of this easement may expand the use of the easement to include different uses or to service property other than Lot 2.
3. **Cooperation.** The parties hereto and their successors and assigns shall cooperate with each other at all times to promote the proper function and use of the Well and water system to provide and optimum water supply on demand at all times possible based upon the natural availability of water. The parties shall not waste water and shall endeavor to use no more than their respective share of the available water. The parties shall cooperate on the future maintenance, operation, repair, replacement or improvement of the Well and associated water system facilities. Each owner shall be responsible for one-half (1/2) of the costs associated with the operation maintenance, replacement and repairs to the Well and the shared water system facilities. In the event the parties are unable to agree on any required maintenance, repair, replacement or improvement, any party shall be entitled to undertake the minimal maintenance, repair, replacement or improvement necessary and essential for proper functioning of the common facilities. In the event a party determines to undertake such work unilaterally, such party shall notify the other in writing. The party undertaking the

work shall, upon completion, provide the other party with a written statement of work preformed and the other party's proportionate share of the cost of the same. In the event a party fails to pay the proportionate share of any amount due within thirty (30) days after presentment, the party which has paid such costs and expense shall be entitled to pursue any remedy available at law or in equity.

4. **Easement Non-Exclusive.** The easement granted herein is non-exclusive, and Smith shall continue to enjoy the right to use Lot 1 so long as such use does not interfere with or impair the ability of Vondy to enjoy the full use of an easement granted herein.
5. **Entire Agreement.** This Agreement contains the entire agreement of the parties concerning the subject matter herein and supersedes all prior agreements, if any.
6. **Governing Law.** For purposes of this Agreement, the parties agree that they shall submit to the jurisdiction of the Morgan County Courts. (Colorado)
7. **Attorney Fees.** In the event that either party is reasonably required to utilize the services of any attorney to initiate litigation and enforce any provisions hereof, then the party, prevailing in such litigation, whether the party initiating litigation or otherwise, shall be entitled to its reasonable attorney fees, court costs and all costs of such litigation, including, without limitation, costs of discovery.

IN WITNESS WHEREOF the parties have set their hands and seals the date and year first written above.

Dola J. Smith

Gary L. Vondy

Debra L. Vondy

STATE OF COLORADO)
) ss
COUNTY OF MORGAN)

The foregoing instrument was acknowledged before me this ____ day of August, 2022 by Dola J. Smith, Gary L. Vondy, and Debra L. Vondy

WITNESS my hand and official seal.

Notary Public



District Headquarters - 700 Columbine St., Sterling, CO 80751
(970) 522-3741 - 877-795-0646 - www.nchd.org

June 28, 2022

Raymond M. Laws, P.C.
Attorney at Law
811 Main Street
Fort Morgan, CO 80701

Dear Mr. Laws:

Northeast Colorado Health Department (NCHD) has no objection to the Vondy Minor Sub-division consisting of two lots located in the East Half of the Southeast Quarter (E ½ SE ¼) of section 17, Township 3N, Range 56W of the 6th P.M., Morgan County, Colorado. Total acres involved are approximately 15.09.

Lot one will be approximately 12.98 acres. Said property has an existing residence located at 15089 MCR 26 with an existing onsite wastewater treatment system (OWTS).

Lot two will be approximately 2.11 acres. Said property has an existing residence located at 15115 MCR 26 with an existing OWTS.

Potable water for both properties will be supplied by a private well located on lot # 1.

If the current OWTS should fail, the owner(s) shall obtain from this office an application to install or repair an OWTS, and remit the appropriate fee. Construction of an OWTS shall conform to all Northeast Colorado Health Department Onsite Wastewater Treatment System Regulations. Including, but not limited to, setback distances from wells, creeks, irrigation ditches, property lines, buildings, high water, floodway and other septic systems.

If there are any questions please call me at (970) 867-4918 ext. 2262

Sincerely,

A handwritten signature in black ink, appearing to read "Melvin Bustos".

Melvin Bustos
Environmental Health Manager
Northeast Colorado Health Department



Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701-0738

OFFICE HOURS: Monday - Friday 8:00 AM - 4:00 PM
PHONE: 970-867-5688 or 800-867-5688
EMAIL: customerservice@mcrea.org
WEBSITE: www.mcrea.org

TOTAL
AMOUNT DUE

\$130.55

Due Date
07/15/2022

See next page for bill details.

Account Information

Account #: 1008400
Customer Name: GARY L VONDY
Statement Date: 07/01/2022
Current Bill Due Date: 07/15/2022
Mailing Address: 15115 COUNTY ROAD 26
BRUSH CO 80723-9422

Balance Summary

Previous Balance	\$140.19
Interest	\$2.10
Payment(s)	-\$142.29
Balance Before Current Charges	\$0.00
Total Current Charges	\$130.55
Total Amount Due	\$130.55

Morgan County REA is happy to have SmartHub, our online portal and mobile app, available to all our members. See the back of this bill to learn more about how SmartHub can make managing your account easier!



Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701-0738

Account Number	1008400
Statement Date	07/01/2022
Amount Due 07/15/2022	\$130.55

PAY BY PHONE: 877-495-6487

ONLINE: Check or credit/debit card at www.mcrea.org or
download the mobile SmartHub app.

DISC VER

VISA

2276 1 AV 0.426
GARY L VONDY
15115 COUNTY ROAD 26
BRUSH CO 80723-9422

5 2276
C-8

MORGAN COUNTY REA 1
PO BOX 738
FORT MORGAN CO 80701-0738





Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701-0738

OFFICE HOURS: Monday - Friday 8:00 AM - 4:30 PM
PHONE: 970-867-5688 or 800-867-5688
EMAIL: customerservice@mcrea.org
WEBSITE: www.mcrea.org

TOTAL
AMOUNT DUE

\$194.07

Due Date
07/15/2022

See next page for bill details.

Account Information		Balance Summary	
Account #:	1590100	Previous Balance	\$171.30
Customer Name:	VERN G SMITH DOLA J SMITH	Payment(s)	-\$171.30
Statement Date:	07/01/2022	Balance Before Current Charges	\$0.00
Current Bill Due Date:	07/15/2022	Total Current Charges	\$194.07
Mailing Address:	15089 COUNTY ROAD 26 BRUSH CO 80723-9422	Total Amount Due	\$194.07

Morgan County REA is happy to have SmartHub, our online portal and mobile app, available to all our members. See the back of this bill to learn more about how SmartHub can make managing your account easier!



Morgan County Rural Electric Association
PO Box 738
Fort Morgan, CO 80701-0738

Account Number	1590100
Statement Date	07/01/2022
Amount Due 07/15/2022	\$194.07

PAY BY PHONE: 877-495-6487
ONLINE: Check or credit/debit card at www.mcrea.org or
download the mobile SmartHub app.



2461 1 AV 0.426
VERN G SMITH
DOLA J SMITH
15089 COUNTY ROAD 26
BRUSH CO 80723-9422

5 2461
C-9

MORGAN COUNTY REA 1
PO BOX 738
FORT MORGAN CO 80701-0738



INFORMATION REGARDING
ENVIRONMENTAL IMPACTS

Impact Statement (MCEO)

MORGAN COUNTY EXTENSION
914 E. RAILROAD AVE
FORT MORGAN, CO 80701
970-542-3540
FAX: 970-542-3541

Dale J. Smith is applying for a Minor Subdivision or Planned Development
(landowner)

consisting of 2 lots totaling 15 acres. Landowner is Proposing to allow _____ animal units
per acre, or _____ animal units per lot.
Lot 1 = 12.98 Acres - 3 AU / Lot
Lot 2 = 2.11 Acres - 1 AU / Lot

Location and/or address of site: 15089 CR 26, Brush CO 80723
+ 15115 CR 26, Brush, CO 80723

Driving direction from Fort Morgan: Drive east on highway 34,
then south on CR 26 until it dead-ends.

Date application is due in Planning Dept.: N/A

Copy of soils map must accompany this request.

Copy of site plan must accompany this request.

It is the landowners/applicants responsibility to provide a stamped, self-addressed envelope for return of this form or to make arrangements to pick it up at the Extension Office.

EXTENSION AGENT USE ONLY:

Approval of animal units as proposed: Yes Recommended maximum animal units: _____

Comments: _____

Signature: Martin Eisenack Date: 6/30/2020

TABLE 3 - MAXIMUM NUMBER OF ANIMAL UNITS (AU) PER ACRE

MAXIMUM NUMBER AUs on contiguous property owned or leased by the owner or caretaker of the animals		MAXIMUM NUMBER AUs of Poultry, Fowl, Game Birds, Rabbits, Furbearing Animals Independent of Area	
ZONE	AU[†]	ZONE	AU[†]
A (Parcels larger than 20 acres)	4	A (Parcels larger than 20 acres)	100
A (Parcels 20 acres and smaller)	1	A (Parcels 20 acres and smaller)	100
A/B (Parcels larger than 20 acres)	2	A/B (Parcels larger than 20 acres)	100
A/B (Parcels 20 acres and smaller)	1	A/B (Parcels 20 acres and smaller)	10
C	1	C	10
ER	1	ER	10
RCR	1	RCR	10
RR	1	RR	10
MH	0	MH	0
MDR	1	MDR	10
HDR	0	HDR	0
HI	1	HI	10
LI	1	LI	10
JLV	0	JLV	0

How to calculate the number of AUs per parcel.

1. Multiple AU times (x) # of acres in your zone = AUs/parcel
2. From next page either divide AU/parcel by Col 1 –OR– multiply by Col 2 to for total AUs allowed.
This number is cumulative for all animals kept on the parcel. *Decimals are rounded down*

EXAMPLE 1: 50 acre parcel in A: $50 \times 4 = 200$ then divide by Horse, mature Col 1:

$$200 \div 1.3 = 153.85 \text{ hd/parcel}$$

EXAMPLE 2: 50 acre parcel in A: $50 \times 4 = 200$ then multiply by Horse, mature Col 2:

$$200 \times 0.77 = 154 \text{ hd/parcel}$$

EXAMPLE 3: 4 acre parcel in ER: $4 \times 1 = 4$ then divide by Milk producing dairy cow Col 1:

$$4 \div 1.4 = 0.71 \text{ hd/parcel (none allowed, less than 1)}$$

EXAMPLE 4: 4 acre parcel in ER. $4 \times 1 = 4$ then multiply by Milk producing dairy cow Col 2:

$$1 \times 0.714 = 0.71 \text{ hd/parcel (none allowed, less than 1)}$$

Always check covenants for species and number of animals allowed.

TABLE 4 - ANIMAL UNITS (AU)

	Col 1 (divide)	Col 2 (multiply)
Cattle		
Cow, with or without un-weaned calf at side, or heifer 2 yrs. old or older	1.0	1:1
Milk producing dairy cow	1.4	0.714:1
Bull, 2 years old or older	1.3	0.77:1
Young cattle, 1 to 2 years old Bull, 2 years old or older	0.8	1.25:1
Weaned calf to yearling	0.6	1.28:1
Un-weaned calf	0.25	4:1
Equine		
Horse, mature	1.3	.77:1
Horse, yearling	1.0	1:1
Weanling colt or filly	0.75	1.33:1
Mule, mature	1.2	.833:1
Donkey, mature	0.6	1.67:1
Miniature Horse	0.37	2.7:1
Sheep		
Mature ewe, with or without un-weaned lamb at side	0.2	5:1
Ram, 2 years old or older	0.25	4:1
Yearling	0.15	6.67:1
Weaned lamb to yearling	0.12	8.33:1
Goats		
All breeds and ages	0.14	7:1
Swine		
Sow	0.4	2.5:1
Boar	0.5	2:1
Pig up to 200 pounds	0.2	5:1
Elk		
Any age	0.5	2:1
Buffalo		
Any age	1.3	.77:1
Llamas and Alpacas		
Mature llama, with or without un-weaned young at side	0.5	2:1
Weaned young llama to yearling	0.25	4:1
Alpaca	0.25	4:1
Ratite Birds		
Ostriches, emus, rheas	0.2	5:1
Rabbits		
All breeds and ages	0.0178	56:1
Chickens		
Breeders	0.0133	75:1
Replacement pullets to 6 months of age	0.0031	325:1
8-week old broilers	0.0015	650:1
Turkeys		
Breeders	0.0333	35:1
Turkeys raised to maturity	0.025	40:1
Turkeys 6 months of age or less	0.0133	75:1

Unlisted species shall be considered to equal one animal unit per 1100 pounds live animal weight. Multiple animals may be aggregated to determine an animal unit or weight.

TECHNICAL

Right to Farm Policy

Application Fee Receipt

Mineral Rights Notifications

Soil Map

Animal Units

MORGAN COUNTY RIGHT TO FARM POLICY / NOTICE

Morgan County is one of the most productive agricultural counties in Colorado. Ranching, farming, animal feeding, and all other manner of agricultural activities and operations in Morgan County are integral and necessary elements of the continued vitality of the county's economy, culture, landscape and lifestyle. Morgan County specifically recognizes the importance of agricultural operations as necessary and worthy of recognition and protection.

Landowners, residents and visitors must be prepared to accept as normal the effects of agriculture and rural living. These may include noise from tractors, equipment, and aerial spraying sometimes at night or in the early morning; dust from animal pens, field work, harvesting, and gravel roads; odor from animal confinement operations, silage and manure; smoke from ditch burning; flies and mosquitoes; the use of pesticides and fertilizers, including aerial spraying; and movement of livestock or machinery on public roads. Under the provisions of the State of Colorado's "Right to Farm" law (Section 35-3.5-101 and following, C.R.S.), all normal and non-negligent agricultural operations may not be considered nuisances.

Also public services in a rural area are not at the same level as in an urban or suburban setting. Road maintenance may be at a lower level, mail delivery may not be as frequent, utility services may be nonexistent or subject to interruption, law enforcement, fire protection and ambulance service will have considerably longer response times, snow may not be removed from county roads for several days after a major snow storm. First priority for snow removal is that school bus routes are normally cleared first.

Children are exposed to different hazards in a rural setting than they are in an urban or suburban area. Farm and oilfield equipment, ponds, and irrigation ditches, electrical service to pumps and oil field operations, high speed traffic, noxious weeds, livestock, and territorial farm dogs may present real threats to children. It is necessary that children's activities be properly supervised for both the protection of the children and protection of the farmer's livelihood.

All rural residents and property owners are encouraged to learn about their rights and responsibilities and to act as good neighbors and citizens of Morgan County. This includes but is not limited to obligations under Colorado State law and Morgan County Zoning Regulations regarding maintenance of fences, controlling weeds, keeping livestock and pets under control. There may be provisions of which you are unaware. For example, because Colorado is a Fence Law State, owners of property may be required to fence livestock out.

Information regarding these topics may be obtained from the Colorado State University Cooperative Extension Office, the County Planning and Zoning Department, and the County Attorney.

RECEIPT AND STATEMENT OF UNDERSTANDING

I hereby certify that I have received, read, and understood the Morgan County Statement of Policy and Notice regarding Right to Farm.

I further state that I am aware that the conditions of living in an unincorporated area are different than living in a town or city and that the responsibilities of rural residents are different from urban or suburban residents. I understand that under Colorado law that a pre-existing, non-negligent agricultural operation may not be considered a public or private nuisance.

To Be Signed by Landowner

Signature

Date

Printed Name

Address

Adopted by the Morgan County Board of County Commissioners by Resolution #96BCC41 on July 23, 1996 and amended by Resolution 2008 BCC 34 on September 2, 2008.

RECEIPT

Morgan County

231 Ensign, Fort Morgan, CO 80701

(970) 542-3526



MS2022-0006 | Minor Subdivision Permit

Receipt Number: 543460

Payment Amount: \$575.00

July 18, 2022

Transaction Method	Payer	Cashier	Reference Number
Check	Gary L Vondy	Jenafer Santos	4783

Comments

Assessed Fee Items

Fee items being paid by this payment

Date	Fee Item	Account Code	Assessed	Amount Paid	Balance Due
07/18/22	Minor Subdivision 11-20.9 acres		\$575.00	\$575.00	\$0.00
Totals:			\$575.00	\$575.00	
Previous Payments					\$0.00
Remaining Balance Due					\$0.00

Permit Info

Property Address	Property Owner	Property Owner Address	Valuation
15089 CO RD 26 BRUSH, CO 80723	SMITH, DOLA J	15089 CO RD 26 BRUSH, CO 80723	

Description of Work

Subdividing off 2.11 acres

RAYMOND M. LAWS, P.C.
ATTORNEY AT LAW

811 Main Street
Fort Morgan, CO 80701

July 5, 2022

Joe. T. & Esther Bowman
General Delivery
Brush, CO 80723

Sent via certified mail

Re: Notice of Minor Subdivision Action per C.R.S. § 24-65.5-103

Dear Mr. & Mrs. Bowman

Please take note that Dola J. Smith has applied for a minor subdivision of a fifteen acre tract of land located in the SE1/4SE1/4 of Section 17, Township 3 North, Range 56 West of the 6th P.M. The records of the Morgan County Clerk and Recorder indicate that you may possess an interest in the mineral estate underlying said property.

Therefore, pursuant to C.R.S. § 24-65.5-103(1), please be aware that no less than thirty days from the date hereof, a public hearing may be held by the Morgan County Planning Commission to consider said minor subdivision proposal. Alternatively, the minor subdivision may be approved administratively by the Planning Administrator pursuant to § 8-197 of the Morgan County Subdivision Regulations.

Yours Very Truly,

/s/Raymond M. Laws

Raymond M. Laws

RAYMOND M. LAWS, P.C.
ATTORNEY AT LAW

811 Main Street
Fort Morgan, CO 80701

July 5, 2022

W.E. Spillman and
Edna L. Spillman
324 E. Edison Street
Brush, CO 80723

Sent via certified mail

Re: Notice of Minor Subdivision Action per C.R.S. § 24-65.5-103

Dear Mr. & Mrs. Spillman,

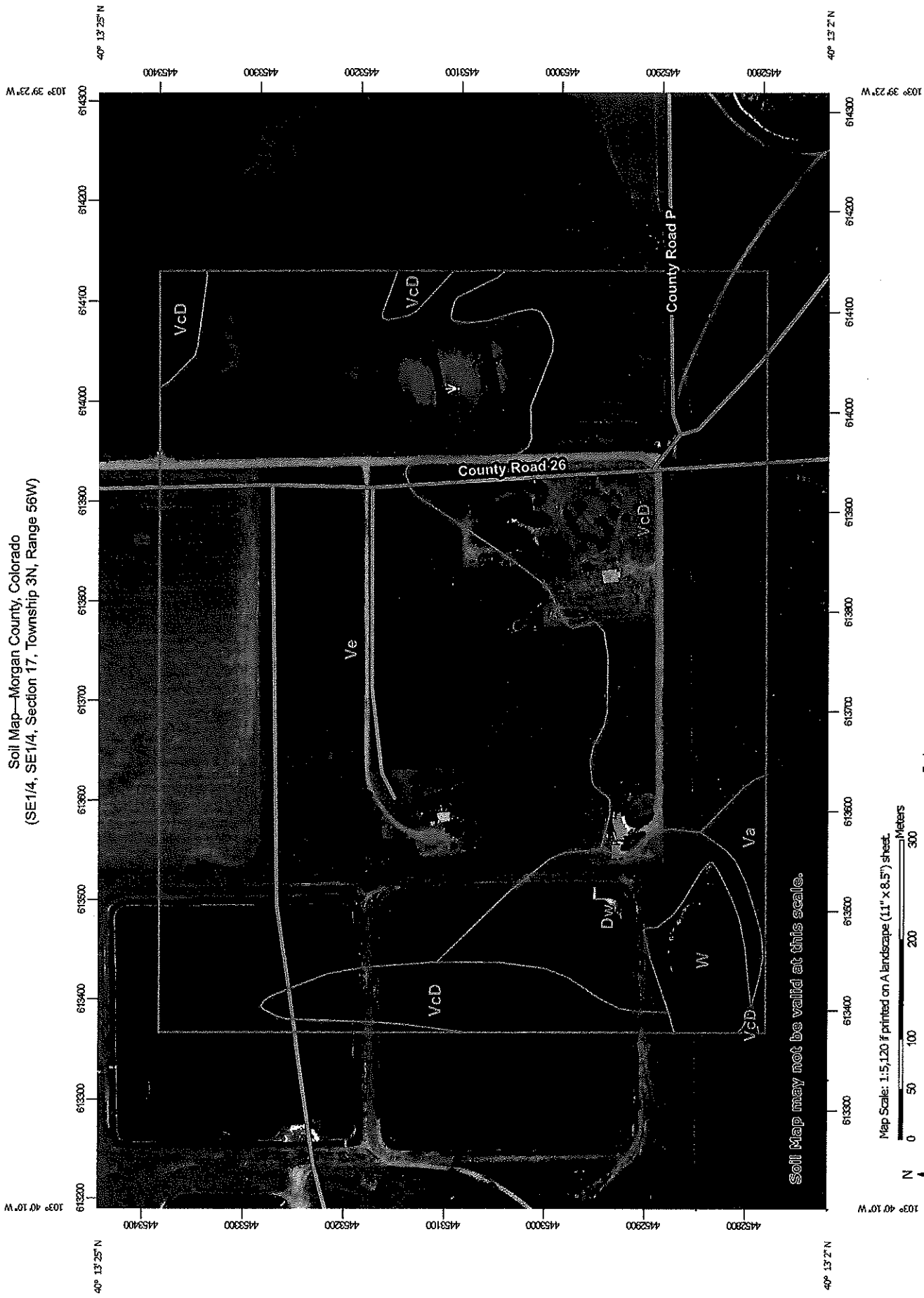
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

































Yours Very Truly,

/s/Raymond M. Laws

Raymond M. Laws



MAP LEGEND

Area of Interest (AOI)		Area of Interest (AOI)		Spoil Area
Soils		Soil Map Unit Polygons		Stony Spot
		Soil Map Unit Lines		Very Stony Spot
		Soil Map Unit Points		Wet Spot
Special Point Features		Special Line Features		Other
Water Features		Streams and Canals		
Transportation		Rails		
		Interstate Highways		
		US Routes		
		Major Roads		
		Local Roads		
		Background		
		Aerial Photography		
				
				
				
				
				
				
				
				

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Morgan County, Colorado

Survey Area Data: Version 22, Aug 31, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 19, 2018—Aug 10, 2018

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Dw	Dwyer sand, wet variant	7.0	6.1%
Va	Valent sand, 0 to 3 percent slopes	1.3	1.2%
VcD	Valent sand, 3 to 9 percent slopes	37.6	32.8%
Ve	Valent-Dwyer sands, terrace, 0 to 3 percent slopes	65.5	57.3%
W	Water	3.0	2.6%
Totals for Area of Interest		114.4	100.0%

Referrals & Responses:

Landowner Letter

Landowner Letter Responses

Public Comments or Concerns Received

Notifications



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

TO REFERRAL AGENCIES:

- Division of Wildlife
- Morgan County Assessor
- Morgan County Quality Water
- Morgan County Rural Electric Assoc.
- Morgan County Sheriff Dept.
- Northeast Colorado Health Dept.,
- Northern Colorado Water Cons Dist.
- Upper Platte & Beaver Canal
- Century Link
- Kinder Morgan, Inc.
- Morgan County Communications Center
- Morgan County Road & Bridge
- Morgan Soil Conservation District
- Brush Fire Department
- Xcel Energy

FROM: Cheryl Brindisi, Morgan County Planning Technician
231 Ensign St, PO Box 596, Fort Morgan, CO 80701
970-542-3526 / 970-542-3509 fax / cbrindisi@co.morgan.co.us

DATE: August 9, 2022

RE: Land Use Application – Minor Subdivision

The following Application for a Minor Subdivision has been submitted to Morgan County. Please review and provide any comments you may have. The application will be heard by the Planning Commission at a **public hearing Monday, September 12, 2022 at 7:00 P.M.** and Board of County Commissioners at a **public meeting on Tuesday, October 4, 2022 at 9:00 A.M.** in the assembly room, 231 Ensign St. Fort Morgan CO.

Applicants: Gary and Deb Vondy

Landowner: Dola Smith

Legal Description: In the E½SE¼ of Section 17, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Also known as 15089 County Road 26 and 15115 County Road 26, Brush, Colorado 80723.

Request: For a 2 lot minor subdivision. The total acreage is 15.09 acres, Lot 1 will be 12.98 acres and Lot 2 will be 2.11 acres. Both lots are currently developed.

Please offer any comments or concerns you may have about this application by August 26, 2022. Do not hesitate to contact me at any time if you have questions. **(Site map attached)**



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: 303.571.3306
Facsimile: 303. 571. 3284
donna.l.george@xcelenergy.com

August 24, 2022

Morgan County Planning and Building Department
231 Ensign / PO Box 596
Fort Morgan, CO 80701

Attn: Cheryl Brindisi

RE: Vondy Minor Subdivision

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the minor subdivision for **Vondy** and has **no apparent conflict**.

Please be aware PSCo owns and operates existing overhead electric distribution facilities along the north property line. Should the project require any new electric service or modification to existing facilities, the property owner/developer/contractor must complete the application process via [xcelenergy.com/InstallAndConnect](https://www.xcelenergy.com/InstallAndConnect).

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



MORGAN COUNTY PLANNING AND BUILDING DEPARTMENT

August 26, 2022

Dear Neighboring Landowners:

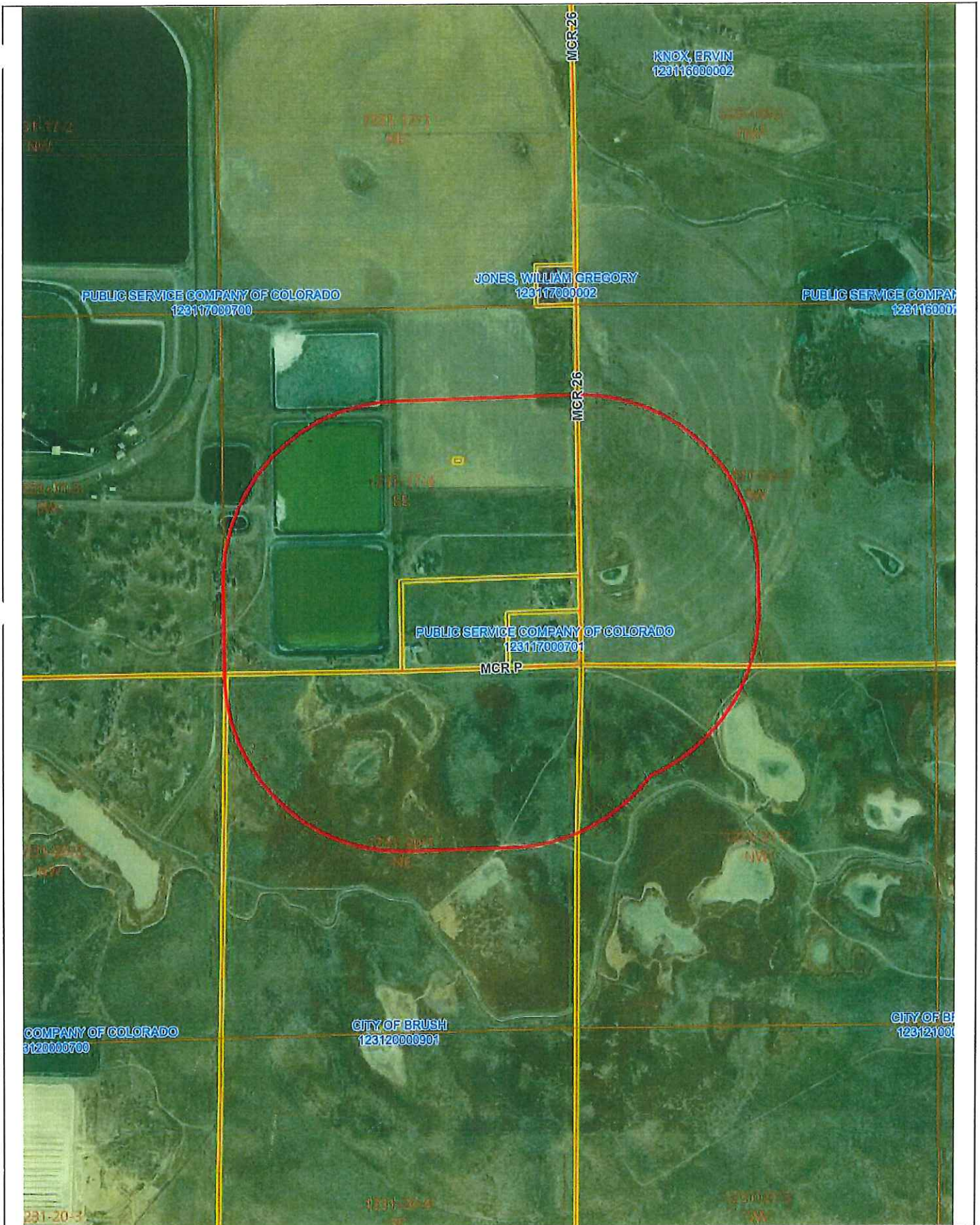
Gary and Deb Vondy as applicants and Dola Smith as landowner have submitted an application to our office for a 2 lot minor subdivision, the total acreage being divided is 15.09 acres. Lot 1 will be 12.98 acres and Lot 2 will be 2.11 acres, both lots are currently developed. Located in the E½SE¼ of Section 17, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Also known as 15089 County Road 26 and 15115 County Road 26, Brush, Colorado 80723.

This application will be heard by the Planning Commission at a **public hearing on Monday, September 12, 2022 at 7:00 P.M.** and Board of County Commissioners at a **public meeting on Tuesday, October 4, 2022 at 9:00 A.M** in the Assembly Room of the Morgan County Administration Building, 231 Ensign St., (Basement Level, elevator entrance) Fort Morgan, Colorado. Landowners within ¼ mile of the property are notified of the application and hearing date.

If you have any questions pertaining to this application or if you would like to review the file, either contact us at (970)542-3526 or stop by our office prior to the hearing. You may attend the public hearing and provide comments on the application, or alternatively, if you are not able to attend you may submit written comments to our office no later than noon on August 9th.

Sincerely,

Nicole Hay
Planning Administrator



CASE #MS2022-00XX

Morgan County, Colorado



SE-1/4 Section 17
T3N R56M, 6th P.M.

(2) On 7/1/07:

The foregoing certification was acknowledged before me this _____ day of _____, 20____.

Notice

Public notice is hereby given that acceptance at this dated submission by the county of Morgan does not constitute an acceptance of the roads and other improvements reflected herein for maintenance by said county.

Unit 100, 101 and 102 are pre-engineered metal canopy equipment and are specifically accepted by this county for recycling. Unit 103 is not recycled in this county as it is not accepted as an end use acceptance, for maintenance, construction, and other markets including the use of metal and wood. Other pre-engineered metal canopy equipment and other equipment are not accepted for recycling in this county as they are not accepted as an end use acceptance, for maintenance, construction, and other markets including the use of metal and wood. Other pre-engineered metal canopy equipment and other equipment are not accepted for recycling in this county as they are not accepted as an end use acceptance, for maintenance, construction, and other markets including the use of metal and wood.

[illegible]

Clerk and Recorder's Certificate

State of Colorado)
)
County of Morgan) ss.

14. This day of 20, and is duly recorded in Reception No. _____
 Fees _____, paid.

Fees _____ paid.

Receiver

Deputy

- ④ Fossil mountains are described
- ⑤ Faulted salt near 7° salinities cap marine TERRICK & CO. PL. 23200
- ⑥ Fault at about 15° salinity cap mixed THOMPSON PL. 23221
- ⑦ Dike at about 15° salinity cap mixed THOMPSON PL. 23221
- ⑧ Underneath the dike, another transformer
- ⑨ Power pole
- ⑩ Power pole with underground service
- ⑪ Clay sector
- ⑫ Clay sector
- ⑬ Sapic lake
- ⑭ Sapic lake
- ⑮ Lead (lead) station at power (topography)
- ⑯ Lead (lead) station at power (topography)
- ⑰ Carry right-left-Saddle line
- ⑱ Carry right-left-Saddle line
- ⑲ Saturated soil boundary
- ⑳ Fence
- ㉑ Overhead power line

It should also be noted that the 2007 audit report of First American Title Insurance Company dated November 2, 2007 at 8:00 a.m. for information regarding statements, right-of-way, and lien of record. The following items are exceptions shown on Exhibit A, Part I of said lien commitment. Exceptions 8, 11, 12, and 15 cover the entire property. Exception 9 (County Road 26) is shown herein.

Exception 10 (ungated flow rule no. 22) The right-of-way could well be located. Exception 13 (Culch BECS 1247) The right-of-way for the ditch along the west edge of the surveyed property returned to its original owner could not be located. Exception 14 (road right-of-way rule P.10) This order declares every section and township line in Morgan County as the boundary line of the same intended to be the center of county roads, 60 feet wide, 20 feet on each side of said section and township lines.

The property description portion is from a quit claim deed recorded in the Morgan County, Colorado records in Book 900 at Page 300 with Reception No. 742760.

[illegible]

Reprints of this survey are sent to members of the American Meteorological Society, a national circulation of 12,000 (NAMS), and to the National Oceanic and Atmospheric Administration, a national circulation of 10,000 (NOAA).
 Distances are expressed in U.S. Survey Feet at a measured horizontal and defined to include any combined scale factor of 1.000163 (NBS) as from a survey point at Joyce D. Nelson, P.O. Box 26265 received in the Morgan County, Illinois record. Distances listed are from elevations recorded in the Morgan County, Illinois records with reception numbers 25/454, 25/455, and 24/505.

Dependable coordinate entry is MARS (2011) (Epidemiol. 2010;10), and are based on CHSS observations constrained by the National Spinal Reference System.

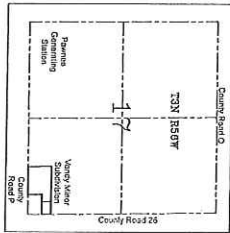
This field work was commenced on April 20, 2022 and completed on May 14, 2022.

NOTICE: According to Canada law you must commence any legal action based upon any defect in this survey within three years after your dissent or claim defect, as even any action based upon any defect in this survey had commenced more than six years from the date of the completed shown herein.

In witness whereof, I set my hand and official seal this 31st day of June, A.D. 2022.

John W. Thompson
Colorado PLS 31621
for and on behalf of Pony Nom, LLC

PRELIMINARY
This document contains preliminary information and is not to be used for legal purposes. It is subject to change without notice.



Vondy Minor Subdivision			
DEPT/NO.	DATE	Section 17	
JT	6/3/22	T3N, R50W, 6th P.M.	
FB	EQ T-1st	Morgan County, Colo.	
B8 P76	SETTSURX		
SCALE	SHEET	PROJECT NO.	REV.
1"=100'	1 of 1	1260.001	-

SMITH, DOLA J
15089 CO RD 26
BRUSH, CO 80723

PUBLIC SERVICE COMPANY OF COLORADO
P O BOX 1979
DENVER, CO 80201-1979

CITY OF BRUSH
P O BOX 363
BRUSH, CO 80723

NOTICE OF MORGAN COUNTY PLANNING COMMISSION'S REVIEW OF TWO LAND USE APPLICATIONS

Notice is hereby given that on Monday, September 12, 2022 at 7:00 p.m., or as soon as possible thereafter, a public hearing will be held to consider the following applications:

- 1.) **Applicant:** Gary and Deb Vondy
Landowner: Dola Smith
Legal Description: Parcel in the E½SE¼ of Section 17, Township 3 North, Range 56 West of the 6th P.M., Morgan County, Colorado. Also known as 15089 County Road 26 and 15115 County Road 26, Brush, Colorado 80723.
Request: Minor Subdivision to plat approximately 15.09 acres into two lots.
Date of Application: July 6, 2022.
- 2.) **Applicant:** Tim Naylor, Hannah Dutrow/AGPROfessionals
Landowner: Kraft Family Dairies, LLC
Legal Description: A parcel located in the S½ and the E½NE¼ of Section 27, Township 3 North, Range 57 West of the 6th PM, Morgan County, Colorado aka 13500 Co Rd 21, Fort Morgan, Colorado 80701
Request: Amended Use by Special Review Permit to expand the permitted Quail Ridge Dairy confinement operations from 9875 head of cattle to 15,000 head of cattle. In addition, they intend to install an additional parlor, two free stalls, and a dry pen within the existing footprint of the dairy operations.
Date of Application: July 28, 2022.

THE COUNTY WILL CONTINUE TO OFFER THE OPTION TO ATTEND MEETINGS REMOTELY. IF YOU HAVE ANY QUESTIONS REGARDING ATTENDING THE MEETING, PLEASE CONTACT THE PLANNING OFFICES AT 970-542-3526.

To participate remotely you may connect via Zoom at:

<https://us02web.zoom.us/j/86952658445>

Or Telephone:

Dial:

US: +1 669 900 9128

Webinar ID: 869 5265 8445

The applications and all materials are available for inspection at the Planning Administrator's Office, 231 Ensign Street, basement, Fort Morgan, Colorado, during regular office hours. At the time of hearing, opportunity will be given for the presentation of evidence in support of or in opposition to the application.

Nicole Hay
Morgan County Planning Administrator

Published: August 27, 2022

NOTICE OF MORGAN COUNTY PLANNING COMMISSION'S
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Dial:

US: +1 669 900 9128

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Nicole Hay

Morgan County Planning Administrator

Published: Fort Morgan Times August 27, 2022-1915420

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Morgan
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Fort Morgan Times*.
2. The *Fort Morgan Times* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Morgan County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Fort Morgan Times* in Morgan County on the following date(s):

Aug 27, 2022

Melissa Najera
Signature

Subscribed and sworn to me before me this

29th day of August, 2022

Shayla Najera
Notary Public

(SEAL)

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

Account: 1052763
Ad Number: 1915420
Fee: \$43.24